



Legislative Testimony

OREGON DEPARTMENT OF CORRECTIONS

March 9, 2021

The Honorable Barbara Smith Warner, Chair
House Committee on Rules

Subject: House Bill 2366

Chair Smith Warner and members of the committee, my name is Nathaline Frener, and I serve as Assistant Director of the Oregon Department of Corrections (DOC) Correctional Services Division. I am here today to give testimony on House Bill (HB) 2366.

What the Bill Does:

HB 2366 allows persons convicted of a felony crime to register to vote, update their voter registration, and vote in elections while incarcerated. It further specifies the person's residence, and thus their county for voter registration purposes, is where they last resided before their incarceration.

Background Information:

DOC has been fortunate enough to participate in recent trips to Norway to study and learn from their prison system. Norway has been successful in significantly reducing its recidivism rates through various means, one of which is normalizing their prison environment. Normalization helps keep adults in custody (AICs) from fostering their criminal mindset from what is, within our families and communities, an abnormal environment in prison. Normalizing the prison environment also eases the transition from prison back into the community.

As part of their successful re-entry strategy, Norway also allows most AICs to vote. In states such as Maine and Vermont, and in the District of Columbia, felons never lose their right to vote – even while incarcerated. Information provided by the Criminal Justice Commission (February 23, 2021) indicates a positive correlation between retention of voting rights and pro-social behaviors, and reduction in recidivism.

Broadly speaking, some studies indicate that disenfranchisement hinders re-entry but that restoring the right to vote can improve an individual's transition from prison back into society.¹ Even if eligible citizens choose to not vote, one study suggests that

¹ See *Voting and Subsequent Crime and Arrest: Evidence From a Community Sample*, Christopher Uggen & Jeff Manza, *36 Colum. Hum.Rts. L..Rev.* 193, 205 (2004); *Restoring Rights, Restoring Trust: Evidence that Reversing Felon Disenfranchisement Penalties Increases Both Trust and Cooperation with Government*, Victoria Shineman, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3272694.

simply restoring voting rights and increasing awareness of the restoration of those rights to disenfranchised citizens helps those citizens develop the types of pro-democratic and pro-social attitudes commonly associated with successful post-prison re-entry.²

Other studies are also indicative of a correlative effect between voting rights and recidivism rates. For example, in 2011, The Florida Parole Commission published a report showing that before 2007, the overall three-year recidivism rate for all released inmates was 33.1%, whereas the recidivism rate for released inmates who were given their civil rights back and were allowed to vote stood at 11.1%.³ A Minnesota study found that ex-felons who voted in 1996 were only half as likely to be rearrested from 1997-2002 as those who did not.⁴

Potential Impacts

Section 5 of the bill requires DOC to establish procedures by rule that allow:

- a) All qualified voters in the DOC's custody to register to vote or update their voter registration;
- b) All registered AIC electors to receive all election materials; and
- c) All registered AIC electors to cast a ballot in each election.

Provided Oregon mail-in ballots continue to be provided with prepaid postage, DOC does not foresee issues related to AIC and DOC resources needed to provide postage and possible disadvantaging of indigent AICs. DOC would likely need a Program Analyst 1 position to draft and manage the required rule and serve as a voter registration coordinator. DOC would seek to work with the Secretary of State to make voter registration materials available during the intake process as well as generally available at all its facilities. DOC would also like to collaborate with the Secretary of State to develop a process that ensures incoming and outgoing voting materials meet the DOC mail rule requirements developed to protect the safety and security of institutions, AICs, and staff. DOC's voter registration coordinator would also need to work with the various counties to ensure jury summons meet DOC's mail rule requirements.

Since returning from Norway, DOC has worked toward normalizing prisons, and passage of HB 2366 is another step in that direction. Individuals in DOC care still have families and friends in the community who are affected by the decisions of our elected officials and the laws passed by the citizens. Continuing to be involved and included in the process that brings about those laws

² *Restoring Rights, Restoring Trust: Evidence that Reversing Felon Disenfranchisement Penalties Increases Both Trust and Cooperation with Government*, Victoria Shineman, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3272694.

³ <https://www.fcor.state.fl.us/docs/reports/2009-2010ClemencyReport.pdf>

⁴ *Voting and Subsequent Crime and Arrest: Evidence from a Community Sample*, Christopher Uggen & Jeff Manza, 36 Colum. Hum. Rts. L. Rev. 192 (2002).

promotes prosocial behavior. Passage of HB 2366 would support DOC's ongoing efforts to normalize prison environments, prepare the individuals in DOC custody for successful reintegration, and reduce recidivism.

Thank you for your time and consideration. I am happy to answer any questions you may have.

Submitted by:

Oregon Department of Corrections

Nathaline Frener, Assistant Director for Correctional Services

Nathaline.J.Frener@doc.state.or.us